In the Claims:

Please amend the claims as follows:

58. (Currently Amended) A method for generating a variation of [[a]] digital information ~~instance~~, the method comprising:

producing a second instance of digital information based on a first instance of ~~providing the~~ digital information ~~instance~~, the first digital information instance having a first portion of functional data used in performing a computerized function, at least one aspect of performing the function being affected by a parameter setting, and a second portion of data including at least the parameter setting~~; and~~ , the second instance of digital information including the functional data and the parameter setting, the producing being in response to a copying or purchasing event for the digital information;

changing the parameter setting in the second digital information instance, the changing being ~~in response to a circumstance as~~ determined using parameter setting change data and being linked to the copying or purchasing event.

59. (Canceled)

60. (Canceled)

61. (Canceled)

62. (Currently Amended) The method of claim 58, wherein changing the parameter setting in the second digital information instance comprises changing in response to an event based on an amount of time related to the second digital information instance.

63. (Currently Amended) The method of claim 62, wherein changing in response to an event based on an amount of time comprises changing in response to a duration of time the second digital information instance has been used in performing the computerized function.

2

64. (Currently Amended) The method of claim 58, wherein changing the parameter setting <u>in the second digital information instance</u> comprises changing in a probabilistic manner.

65. (Currently Amended) The method of claim 58, wherein changing the parameter setting <u>in the second digital information instance</u> comprises changing according to information transmitted from a server.

66. (Currently Amended) The method of claim 65, wherein changing according to information transmitted from a server comprises using the information transmitted to prevent future changes to the parameter setting of the <u>second</u> digital information instance.

67. (Currently Amended) The method of claim 65, wherein changing according to information transmitted from a server comprises using the information transmitted to prevent future changes to ~~the~~ <u>a</u> parameter setting of a copy of the <u>second</u> digital information instance.

68. (Currently Amended) The method of claim 58, ~~comprising providing an executable~~ <u>wherein the second</u> digital information instance <u>is executable</u>.

69. (Currently Amended) The method of claim 58, ~~comprising providing a non-executable~~ <u>wherein the second</u> digital information instance <u>is non-executable</u>.

70. (Currently Amended) The method of claim 58, wherein <u>the</u> ~~providing a first portion of functional data comprises providing a~~ first portion of functional data ~~that~~ <u>in the second digital information instance</u> is not physically distinct from the second portion of data <u>in the second digital information instance</u>.

71. (Currently Amended) The method of claim 58, wherein ~~providing a~~ <u>the</u> first portion of functional data ~~comprises providing~~ <u>in the second digital information instance is</u> a data

structure and wherein the second portion of data <u>in the second digital information instance</u> is stored within the data structure.

72. (Currently Amended) The method of claim 71, wherein ~~providing a~~ <u>the</u> data structure ~~comprises providing a data structure representing~~ <u>represents</u> an image.

73. (Currently Amended) The method of claim 58, ~~comprising providing a first portion of functional data used in performing a computerized function~~ wherein the <u>second</u> digital information instance performs the computerized function.

74. (Currently Amended) The method of claim 58, ~~comprising providing a first portion of functional data used in performing a computerized function~~ wherein the <u>second</u> digital information instance does not perform the computerized function.

75. (Currently Amended) The method of claim 74, comprising providing software or hardware capable of using the functional data <u>in the second digital information instance</u> to perform the computerized function.

76. (Currently Amended) The method of claim 58, comprising including the parameter setting change data in the second portion of data of the <u>second</u> digital information instance.

77. (Currently Amended) The method of claim 58, comprising transmitting the parameter setting change data <u>in the second digital information instance</u> from a server.

78. (Currently Amended) The method of claim 58, wherein ~~providing~~ the <u>first</u> digital information instance ~~comprises receiving the digital information instance~~ <u>is received</u> by a user.

79. (Currently Amended) The method of claim 58, wherein ~~providing~~ the <u>first</u>

digital information instance ~~comprises communicating the digital information instance~~ <u>is</u>

<u>communicated</u> to a user.

80. (Currently Amended) The method of claim 58, ~~comprising providing~~ <u>wherein</u>

the second portion of data ~~including digital information~~ <u>in the second digital information</u>

<u>instance includes</u> instance lineage-relevant information.

81. (Currently Amended) The method of claim 80, comprising

receiving the digital information instance lineage-relevant information at a

database; and

performing analysis of the digital information instance lineage-relevant

information to infer a set of desirable characteristics for the <u>second</u> digital information instance.

82-127. (Canceled)

128. (Currently Amended) A system for generating a variation of [[a]] digital

information ~~instance~~, the system comprising:

a memory device for storing a <u>first</u> digital information ~~instance~~ comprising:

a first portion of functional data used in performing a computerized function, at

least one aspect of performing the function being affected by a parameter setting; ~~and~~

a second portion of data including at least the parameter setting; and

a computerized processor programmed to<u>:</u>

<u>produce a second instance of digital information based on the first</u>

<u>instance, the second instance of digital information including the</u>

<u>functional data and the parameter setting, the producing being in response</u>

<u>to a copying or purchasing event for the digital information;</u>

5

change the parameter setting <u>in the second digital information</u>

<u>instance, the changing being</u> ~~in response to a circumstance as~~ determined

using parameter setting change data <u>and being linked to the copying or</u>

<u>purchasing event</u>.

129. (Canceled)

130. (Canceled)

131. (Canceled)

132. (Currently Amended) The system of claim 128, wherein the parameter

setting <u>in the second digital information instance</u> is changeable in response to an event based on

an amount of time related to the <u>second</u> digital information instance.

133. (Currently Amended) The system of claim 132, wherein the parameter

setting <u>in the second digital information instance</u> is changeable in response to a duration of time

the <u>second</u> digital information instance has been used in performing a computerized function.

134. (Currently Amended) The system of claim 128, wherein the parameter

setting <u>in the second digital information instance</u> is changeable in a probabilistic manner.

135. (Currently Amended) The system of claim 128, wherein the parameter

setting <u>in the second digital information instance</u> is changeable according to information

transmitted from a server.

136. (Currently Amended) The system of claim 135, wherein the information

transmitted from the server is used to prevent future changes to the parameter setting of the

<u>second</u> digital information instance.

137. (Currently Amended) The system of claim 135, wherein the information transmitted from the server is used to prevent future changes to a ~~the~~ parameter setting of a copy of the second digital information instance.

138. (Currently Amended) The system of claim 128, wherein the second digital information instance ~~comprises an~~ is executable ~~digital information instance~~.

139. (Currently Amended) The system of claim 128, wherein the second digital information instance ~~comprises a~~ is non-executable ~~digital information instance~~.

140. (Currently Amended) The system of claim 128, wherein the first portion of functional data in the second digital information instance is not physically distinct from the second portion of data in the second digital information instance.

141. (Currently Amended) The system of claim 128, wherein the first portion of functional data in the second digital information instance comprises a data structure and wherein the second portion of data in the second digital information instance is stored within the data structure.

142. (Original) The system of claim 141, wherein the data structure comprises a data structure representing an image.

143. (Currently Amended) The system of claim 128, wherein the second digital information instance uses the first portion of functional data in the second digital information instance to perform the computerized function.

144. (Currently Amended) The system of claim 128, wherein the second digital information instance does not use the first portion of functional data in the second digital information instance to perform the computerized function.

145. (Canceled)

7

146. (Currently Amended) The system of claim 128 wherein the parameter setting change data is included in the second portion of data of the second digital information instance.

147. (Currently Amended) The system of claim 128, wherein the parameter setting change data in the second digital information instance is transmitted from a server.

148. (Currently Amended) The system of claim 128, wherein the second portion of data in the second digital information instance includes digital information instance lineage-relevant information.

149. (Currently Amended) The system of claim 148, further comprising:

a database[[;]], the database effective to receive receiving the digital information instance lineage-relevant information at the database; and

comprising performing wherein the processor performs analysis of the digital information instance lineage-relevant information to infer a set of desirable characteristics for the second digital information instance.

150. (Currently Amended) A system for performing a method for generating a variation of [[a]] digital information instance, the system comprising:

means for providing the digital information instance, producing a second instance of digital information based on a first instance of digital information, the first digital information instance having a first portion of functional data used in performing a computerized function, at least one aspect of performing the function being affected by a parameter setting, and a second portion of data including at least the parameter setting, the second instance of digital information including the functional data and the parameter setting, the producing being in response to a copying or purchasing event for the digital information;

8

~~means for providing the digital information instance, the digital information instance having a second portion of data including at least the parameter setting;~~ and

means for changing the parameter setting <u>in the second digital information instance, the changing being</u> ~~in response to a circumstance as~~ determined using parameter setting change data <u>and being linked to the copying or purchasing event</u>.

151. (Canceled)

152. (Canceled)

153. (Canceled)

154. (Currently Amended) The system of claim 150, wherein <u>the</u> means for changing the parameter setting <u>in the second digital information instance</u> comprises means for changing in response to an event based on an amount of time related to the <u>second</u> digital information instance.

155. (Currently Amended) The system of claim 154, wherein <u>the</u> means for changing in response to an event based on an amount of time comprises means for changing in response to a duration of time the <u>second</u> digital information instance has been used in performing the computerized function.

156. (Currently Amended) The system of claim 150, wherein <u>the</u> means for changing the parameter setting <u>in the second digital information instance</u> comprises means for changing in a probabilistic manner.

157. (Currently Amended) The system of claim 150, wherein <u>the</u> means for changing the parameter setting <u>in the second digital information instance</u> comprises means for changing according to information transmitted from a server.

9

158. (Currently Amended) The system of claim 157, wherein <u>the</u> means for changing according to information transmitted from a server comprises means for using the information transmitted to prevent future changes to the parameter setting of the <u>second</u> digital information instance.

159. (Currently Amended) The system of claim 157, wherein <u>the</u> means for changing according to information transmitted from a server comprises means for using the information transmitted to prevent future changes to the parameter setting of a copy of the <u>second</u> digital information instance.

160. (Currently Amended) The system of claim 150, ~~comprising means for providing an executable~~ <u>wherein the second</u> digital information instance <u>is executable</u>.

161. (Currently Amended) The system of claim 150, ~~comprising means for providing a non-executable~~ <u>wherein the second</u> digital information instance <u>is non-executable</u>.

162. (Currently Amended) The system of claim 150, wherein ~~means for providing a first portion of functional data comprises means for providing a~~ <u>the</u> first portion of functional data <u>in the second digital information instance</u> ~~that~~ is not physically distinct from the second portion of data <u>in the second digital information instance</u>.

163. (Currently Amended) The system of claim 150, wherein ~~means for providing a~~ <u>the</u> first portion of functional data <u>in the second digital information instance</u> comprises ~~means for providing~~ a data structure and wherein the second portion of data <u>in the second digital information instance</u> is stored within the data structure.

164. (Currently Amended) The system of claim 163, wherein ~~means for providing a~~ <u>the</u> data structure ~~comprises means for providing a data structure representing~~ <u>represents</u> an image.

10

165. (Currently Amended) The system of claim 150, ~~comprising means for providing a first portion of functional data used in performing a computerized function~~ wherein the <u>second</u> digital information instance performs the computerized function.

166. (Currently Amended) The system of claim 150, ~~comprising means for providing a first portion of functional data used in performing a computerized function~~ wherein the <u>second</u> digital information instance does not perform the computerized function.

167. (Currently Amended) The system of claim 166, <u>further</u> comprising means for providing software or hardware capable of using the functional data <u>in the second digital information instance</u> to perform the computerized function.

168. (Currently Amended) The system of claim 150, wherein the parameter setting change data <u>in the second digital information instance</u> is included in the second portion of data of the <u>second</u> digital information instance.

169. (Currently Amended) The system of claim 150, wherein the parameter setting change data <u>in the second digital information instance</u> is transmitted from a server.

170. (Currently Amended) The system of claim 150 wherein ~~means for providing the digital information instance comprises means for receiving~~ the <u>first</u> digital information instance <u>is received</u> by a user.

171. (Currently Amended) The system of claim 150, wherein ~~means for providing the digital information instance comprises means for communicating~~ the <u>first</u> digital information instance <u>is communicated</u> to a user.

172. (Currently Amended) The system of claim 150, ~~comprising means for providing~~ <u>wherein</u> the second portion of data <u>in the second digital information instance</u> ~~including~~ <u>includes</u> digital information instance lineage-relevant information.

11

173. (Currently Amended) The system of claim 172, comprising

means for receiving the digital information instance lineage-relevant information at a database; and

means for performing analysis of the digital information instance lineage-relevant information to infer a set of desirable characteristics for the <u>second</u> digital information instance.

174. (New) A method for generating a variation of digital information, the method comprising:

passing an instance of digital information to a user, the instance having a first portion of functional data used in performing a computerized function, at least one aspect of performing the function being affected by a parameter setting, and a second portion of data including at least the parameter setting;

enabling purchase of the instance by the user; and

changing the parameter setting, the changing being determined using parameter setting change data and being in response to the purchase.

175. (New) The method of claim 174, wherein the digital information instance is executable.

176. (New) The method of claim 174, wherein changing the parameter setting comprises changing in response to an event based on an amount of time related to the digital information instance.

177. (New) The method of claim 176, wherein changing in response to an event based on an amount of time comprises changing in response to a duration of time the digital information instance has been used in performing the computerized function.

12

178. (New) The method of claim 174, wherein changing the parameter setting comprises changing in a probabilistic manner.

179. (New) The method of claim 174, wherein changing the parameter setting comprises changing according to information transmitted from a server.

180. (New) The method of claim 179, wherein changing according to information transmitted from a server comprises using the information transmitted to prevent future changes to the parameter setting of the digital information instance.

181. (New) The method of claim 179, wherein changing according to information transmitted from a server comprises using the information transmitted to prevent future changes to a parameter setting of a copy of the digital information instance.

182. (New) The method of claim 174, wherein the digital information instance is non-executable.

183. (New) The method of claim 174, wherein the first portion of functional data in the digital information instance is not physically distinct from the second portion of data in the digital information instance.

184. (New) The method of claim 174, wherein the first portion of functional data in the digital information instance is a data structure and wherein the second portion of data in the digital information instance is stored within the data structure.

185. (New) The method of claim 174, wherein the data structure represents an image.

186. (New) The method of claim 174, wherein the digital information instance performs the computerized function.

187. (New) The method of claim 174, wherein the digital information instance does not perform the computerized function.

188. (New) The method of claim 174, comprising providing software or hardware capable of using the functional data to perform the computerized function.

189. (New) The method of claim 174, comprising including the parameter setting change data in the second portion of data of the digital information instance.

190. (New) The method of claim 174, comprising transmitting the parameter setting change data from a server.

191. (New) The method of claim 174, wherein the digital information instance is received by a user.

192. (New) The method of claim 174, wherein the digital information instance is communicated to a user.

193. (New) The method of claim 174, wherein the second portion of data in the digital information instance includes instance lineage-relevant information.

194. (New) The method of claim 193, comprising

receiving the digital information instance lineage-relevant information at a database; and

performing analysis of the digital information instance lineage-relevant information to infer a set of desirable characteristics for the digital information instance.

14